Linda Rovai
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Petitioner in Propria Persona Sui Juris

United States District Court

Northern District of California

In re united States	KAW CV22 4043
ex rel Linda Rovai	***Case No.*** _____
Petitioner	Petition for ***Non***-statutory
	Removal/ ***Non***-statutory
	Federal Writ of Habeas Corpus
	Preliminary Injunction
vs	***Article I, Section 9, Cl. 2***
	Constitution for the
SALVADOR GARCIA JR.	***united States 1787-1791***
Respondent	***"Case No. 22-UDL-00118"***
	San Mateo County 'court'

COMES NOW Petitioner united States ex rel Linda Rovai, assisted by ***Private Attorney General*** William Henshall, ***Section 35 of the Judiciary Act of 1789, 1 Statutes at Large 73***, either a lawful de jure ***jus sanguinis*** State Citizen, ***inhabitant of a territory***, or an undocumented (***enemy*** ?) alien, to either "remove" Case No. ***22-UDL-00118*** from what ***fraudulently purports*** to be a San Mateo County Court but which really is a ***federal (insular ?) territorial tribunal*** or, in the alternative, present a Petition for a ***NON***-statutory removal to the pendente jurisdiction of the court and/or a Petition for a ***NON***-statutory ***Federal*** Writ of Habeas Corpus pursuant to ***Article I, Section 9, Clause 2*** of the ***Constitution for the united States {1787-1791} (CuS)***; see also ***Sec. 14*** of the ***Judiciary Act of 1789, 1 Statutes at Large 81***.

Jurisdiction & Venue

Duly noted, is that Petitioner is proceeding qui tam, invoking, perhaps as an inhabitant of a state and/or 'courtesy' of ***PAG Henshall***, as a member of the sovereign body politic, the ***judicial*** power of the united States, as being superior to any proceedings in a 'state' court (***Article VI, section 2***).

If in fact the case below arises from a ***foreign*** jurisdiction case in a ***federal (insular ?) territorial tribunal***, then there is ***NO*** need for reliance upon any statutory enactment of Congress to affect a "removal" from a ***federal (insular ?) territorial tribunal*** to a federal ***judicial*** Court, as no issues of "comity", or any other 'judicial lip service' to the "sovereignty of a State", is present.

In addition, the simple invocation of rights secured by the ***Constitution of the united States {1787-1791}*** is sufficient, here ***Article I, Section 9 or 10***, as the case may be, prohibiting the enactment of Bills of Attainder or Bills of Pains and Penalties, the taking of life, liberty or property ***without judicial process***, and/or rights secured by the 9th Article of Amendment.

This should be sufficient. If not, the record in the trial 'court' /aka/ ***administrative tribunal***, shows, on its face, ***multiple acts of Treason*** by at least ***purportedly*** neutral magistrate ***ROBERT FOILES***, including a summary, ex parte 12(b)(6) 'denial' of Petitioner's ***UNOPPOSED 48*** page Motion to Quash, a concomitant refusal to respond to the demand of PAG Henshall ***ON THE RECORD***, and ***IN FRONT OF WITNESSES***, during the 'hearings' of June 10th, and 21st, 2022, to provide a ***written factual foundation and legal basis*** for this denial, and ***directing a verdict of guilt*** by a "jury" (***Exhibit A, Affidavits of PAG Henshall, Linda Rovai*** and ***Brittany Pickett-Rose***).

Accordingly, Petitioners had ***NEVER*** had way to know, jurisdictionally, where they were, how they got there, the rules of the (***CON***) game, and what respondent had to prove, this in what Petitioners were persistently pronounced by FOILES was a "civil" setting, albeit in a "special" jurisdiction in a ***SECRET*** 'court', in which defendants were ***repeatedly admonished*** by ***FOILES*** that there was ***NO*** right to assistance of 'counsel'.

In other words Petitioners, ***presumed incompetent*** in the trial 'court' and uneducated, 'courtesy' of the mandatory public "education" system, without anything ***remotely resembling meaningful and substantive curricula*** for the study of the Constitution, history and laws of the united States, were subjected to a

"special" jurisdiction which the record proves was a ***quasi-criminal*** setting in ***federal regional martial law rule***, without one iota of any "***voluntary, knowing and intelligent***" waiver of Right (***Johnson v Zerbst 304 US 458***), an impossibility in any event, since Petitioner, and all like situated victims are ***PRESUMED*** incompetent, as are jurors, on who knows what ***factual foundation and legal basis***.

Add to this that the territory of CALIFORNIA not only does ***NOT*** recognize the "People of the State of California", in whose name ALL acts are ***purportedly*** enacted, they are ***conspicuously UNDEFINED*** in the CALIFORNIA Constitution allegedly currently in effect, and where can we find one iota of the "***CONSENT*** of the governed" anywhere in sight ????

Also duly noted is that 'enactments', like the "special" jurisdiction in unlawful detainer settings are promulgated by a legislature under the ***complete control of CORPORATE PACs*** like "LANDLORDS" AND BANKTER, and the picture cannot be any clearer.

This brings us to the situation of Defendant Ryan F. Pickett, who ***is*** incompetent pursuant to multiple conditions, well known to ***BOTH*** sides of the family, which qualified him for representation by an ***Americans with Disabilities Act*** attorney, with no mention of this situation, let alone appointment of 'counsel' by ***FOILES***, a ***purportedly*** neutral magistrate (***Tumey v Ohio 273 US 510***), Petitioners having learned, on the "trial" date, that he had been dismissed as a defendant in 'fine' summary, ex parte 12(b)(6) fashion, par for the course with one ***'state' Bar Attorney ruling in favor of another***, notwithstanding the intent of federal law, and indeed, in plain violation of it.

An inquiry of any ***ADA*** situations should have been made by ***purportedly*** neutral magistrate ***FOILES***, and Mr. Pickett ***should*** have had appointed counsel, if only for the reason that being incompetent to participate, yet he was ***equally incompetent to withdraw*** in the absence of consulting with counsel. Add to this that Mr. Pickett said that he was cajoled and threatened if he did not leave the premises at 205 Ramona Street by members of the family on the other side, perhaps at the behest of, and certainly very 'convenient' for, ***PALENCHAR LAW FIRM***, with whom there was ***ex parte*** contact when he was ***NOT*** represented, a breach of ethics for even 'State Bar attorneys, yet another plain violation of ***Rights secured by the CuS.***, thus ***no 'voluntary, knowing and intelligent' waiver*** of Rights was ever made by at least Mr. Pickett, especially right to trial by Jury as per the ***unpurviewed*** 7th Amendment (see e.g. ***Jarksey v SEC***, 5th Circuit Court).

The invocation of this court's concurrent jurisdiction of a federal Circuit Court presents what ***seems*** to be a novel question of law, most especially considered in concert with the ***FACT*** that 'federal question' jurisdiction is ***beyond the scope of the jurisdiction of California Courts***' as conceded by the CALIFORNIA supreme court in the summary, ex parte ***administrative*** "denial" of the Petition for Redress of Grievance of Next friend-***PAG*** William Henshall in the form of a ***NON***-statutory ***Federal*** Writ of Habeas Corpus by a ***deputy clerk*** (?!?) of court and Redress in the CALIFORNIA Assembly, both of which admit that CALIFORNIA 'courts' do ***NOT*** have federal question jurisdiction (***Exhibit B***).

Yet at one and the same time, we have the California Secretary of State stating, in a FOIA request (***Exhibit B***), that the ***California Constitution of 1849*** has ***NOT*** been repealed, thus ***FOILES*** new, or ***SHOULD*** have known, that the probate 'court', albeit invoked ***32 YEARS*** ex post facto, did ***NOT*** have any

jurisdiction and that the trial 'court' was likewise acting ***coram non judice***, as clearly set forth in Petitioner's ***UNOPPOSED*** Motion.

In addition, it ***seems*** that the jurisprudence of the supreme Court is clear that Congress does ***NOT*** have any constitutional duty to either create lower federal courts and/or invest them with any or all of the judicial power of the united States[1].

This in turn ***appears*** to raise grave questions of separation of powers, delegation of authority, and others, should a ***federal territorial legislative tribunal*** attempt to exercise any of the ***judicial*** power of the united States[2].

Accordingly, and whether or not this court proceeds with this case, a full and complete statement resolving these issues is in order, and if CALIFORNIA ***is*** a territory, a claim ***NEVER*** opposed at any time by Respondent and those having a ***sworn*** duty to do so, as set forth in Petitioner's ***Supplementary Brief on Admission of New States (SBANS)***, which now stands clear of doubt, then ***Article II*** of the ***Northwest Ordinance of 1787***, the organic law of territories, comes ***directly*** into play and provides that:

> "The ***inhabitants*** of the said territory shall ***always*** be entitled to the benefits of the ***writ of habeas corpus***, ***and of the trial by jury***; of a proportionate representation in the legislature; and of ***judicial proceedings according to the course of the common law***.

In accordance with the above authorities, the supreme Court has ***held***, in the cases of ***Ex Parte Crow Dog 109 US 556*** and ***Snow v US 85 US 317***, that even in territories concurrent jurisdiction of a federal Circuit Court ***must*** exist, even if only alongside what otherwise function as federal (***insular*** ?) ***territorial*** tribunals;

from ***Crow Dog***:

> "The district courts of the territory of Dakota are invested with the same jurisdiction in all cases arising under the laws of the United States as is vested in the circuit and district courts of the United States. Rev. St. §§ 1907-1910 ***
>
> But the district courts of the territory having, by law, the jurisdiction of district and circuit courts of the United States, may, ***in that character***, take cognizance of offenses against the laws of the United States, although committed within an Indian reservation, when the latter is situated within the space which is constituted by the authority of the territorial government the judicial district of such court. ***
>
> The district court has ***two distinct jurisdictions***. As a territorial court, it administers the local law of the territorial government; as invested by act of congress with jurisdiction to administer the laws of the United States, ***it has all the authority of circuit and district courts***; so, that in the former character, it may try a prisoner for murder committed in the territory proper, under the local law, which requires the jury to determine whether the punishment shall be death or imprisonment for life; (Laws Dak. 1883, c. 9;) and, in the other character, try another for a murder committed within the Indian reservation, under a law of the United States, which imposes, in case of conviction, the penalty of death."

from ***Snow***:

> "The government of the Territories of the United States belongs, primarily, to Congress; and secondarily, to such agencies as Congress may establish for that purpose. During the term of their pupilage as Territories, ***they are mere dependencies of the United States***. ***Their people do not constitute a sovereign power***. All political authority exercised therein is derived from the General Government. *****
>
> It is, indeed, the practice of the government to invest these dependencies with a limited power of self-government as soon as they have sufficient population for the purpose. The extent of the power thus granted depends entirely upon the organic act of Congress in each case, ***and is at all times subject to such alterations as Congress may see fit to adopt***. *****
>
> This recital shows that the business of these courts, when acting as circuit and district courts of the United States, ***is to be kept distinct from their business as ordinary courts of the Territory***; and gives countenance to the idea upon which the Territorial legislature seems to have acted in appointing separate executive officers for attending the courts when sitting as Territorial courts. ****
>
> It must be confessed that this practice exhibits somewhat of an anomaly. Strictly speaking, there is no sovereignty in a Territory of the United States but that of the United States itself. Crimes committed therein are committed against the government and dignity of the United States. It would seem that indictments and writs should regularly be in the name of the United States, and that the attorney of the United States was the proper

officer to prosecute all offences. But the practice has been otherwise, not only in Utah, but in other Territories organized upon the same type."

While noting that the Court opined that such concurrent jurisdiction was dependent, as it were, on an Act of Congress, Petitioner takes the position that ***NO*** Act of Congress is necessary at all since the ***judicial*** Courts of a State admitted into "***this Union***" would have such jurisdiction notwithstanding any Act, or lack thereof, by Congress, for otherwise the exact situation we have today could exist, a plain usurpation, if not destruction, of State Citizenship and authority and ***WITHOUT*** any way to reach a judicial Court to invoke the ***judicial*** power of a State and/or the united States to vindicate rights secured by the ***CuS)***.

And such a result would be, quod erat demonstrandum, unconstitutional pursuant to, for all apparent intents and purposes, the ***legislating OUT of existence at least Article I, Sections 9 & 10*** of, the ***9th & 10th Articles of Amendment*** to, the ***Constitution for the united States {1787-1791} (CuS)***.

Addressing the 'Elephant in the room', ***IF*** the Several States have been relegated to ***federal*** (***insular*** ?) ***territorial possessions***, upon what provision(s) of the ***CuS*** did Congress rely to ***UN***-admit these ***sovereign, independent*** States ???

Duly noted in the case of a Petition for a ***NON***-statutory Federal Writ of Habeas Corpus is that there is ***NO KNOWN*** declared state of war, or even rebellion or invasion, which ***might*** justify even a ***temporary*** suspension of the Writ, and/or ***CLOSURE*** of the judicial Courts, both being currently in effect as conceded by the CALIFORNIA supreme court and Assembly (***Exh. A***), nor any gubernatorial declaration declaring a state of "emergency" and requesting the assistance of the federal government (***Article IV, Sec. 4***).

In the alternative, if a finding is made against the contentions of Petitioner and supported by ***sufficient lawful authorities to overcome the ones presented herein***, the obvious questions are:

1. Why do State Courts refuse to exercise the ***concurrent*** jurisdiction of a federal Circuit Court, jurisdiction which has existed for ***230*** years already (see e.g. ***Claflin v Houseman 93 US 130***; ***Palmore v US 411 US 389***; ***Federalist Papers No. 82***) ??

2. Why do State Courts continuously and repeatedly, on and on, ***ad nauseum, ad infinitum***, deny, in fine 12(b)(6) boilerplate fashion with ***NO stated reason***, ***unopposed*** Petitions for the right to trial by jury and/or common law proceedings (see ***Exhibit C***);

Custody Status of Petitioners

Petitioners, and indeed ***at least all like situated*** lawful de jure ***jus sanguinis*** State Citizens, are in what can best be described as a condition of ***statelessness*** in what ***fraudulently*** pretends to be a ***sovereign, independent*** State admitted into "***this Union***" (***Article IV, Section 3***) while, in the case of California, which was once such a State, having been relegated, on who knows what constitutional authority, to the status of a ***federal (insular ?) territorial possession***.

And the territory of CALIFORNIA not only does ***NOT*** recognize the "People of the State of California", in whose name ALL acts are ***purportedly*** enacted, they are ***conspicuously UNDEFINED*** in the CALIFORNIA Constitution allegedly currently in effect.

Indeed, ALL members of the sovereign body are systematically excluded from ALL departments of the de facto CALIFORNIA government, which only recognizes members of the ***SUBORDINATE***, corporate 'body politic' created, as it were, by the ratification of the non-existent 14th WAR "amendment" (***NEFWA***), which was a ***very carefully concealed*** intent from those who 'ratified' ***NEFWA***, assuming arguendo that they had the power to do so (***NOT*** !).

Even the US supreme Court evidently did not become aware of this chicanery until their decision in ***Southern Pacific RR v Santa Clara County 118 US 356*** in 1882 (see e.g. "***1866: The Critical Year***" by Howard Beale).

Somewhat more contemporary, and indeed anticipatory, is the decision in the case of ***US v Rhodes 27 Fed. Cases 785***:

> "The second section of the 13th Amendment was added out of abundant caution. It authorizes Congress to select, from time to time, the means that might be deemed appropriate to the end. It employs a phrase which had been enlightened by well-considered judicial application. ***Any exercise of legislative power within its limits involves a legislative, and not a judicial question***."

Carefully noting that ***Section 5 of NEFWA*** is in ***exactly*** the same language, thus ***NO*** need at all for judicial Courts for 'all "PERSONS" born or naturalized in the (Trust known as) the United States and ***SUBJECT*** to the jurisdiction thereof.

This in turn 'paves the way' for ***territorial tribunals*** to exercise, for all apparent intents & purposes, ***federal regional martial law rule WITHOUT*** any regard for the ***Creator endowed inalienable rights*** and/or rights secured by the ***CuS*** to the members of the sovereign body politic, and with ***NO*** known means of

redress for any affected victims of such usurpations (***Exhibit C*** -- Affidavit of ***PAG*** Henshall in re cases where all such violations have occurred over the ***four decades*** of his attempts to secure redress of grievance).

Accordingly, all members of the sovereign body politic of the Nation & Republic have been thrust into a situation where they are in ***perpetual constructive custody, NOT*** of one of the Several States, but of a ***federal territorial possession***, and one exercising ***martial law powers in times of peace***, in plain violation of the ***Constitution of the united States {1787-1791}***[4].

In addition, pursuant to the ***unopposed*** circumstances existing in the instant case, the Great Writ ***must*** be available, even ***without*** any statutory enactments of Congress:

> "If the power to issue writs of habeas corpus applies only to cases of ***statutory*** jurisdiction, outrages upon the rights of a citizen can ***never*** invoke its exercise by a federal court.
>
> "I do not, indeed, see that there can be a restriction or limitation of a privilege which ***may not be substantially a suspension of it***, to some extent at least, or under some circumstances, or in reference to some of the parties who might otherwise have enjoyed it. And it has appeared to me that if Congress had undertaken to ***deny altogether the exercise of this writ by the federal court***, or limit the exercise to the few and rare cases (Michael Skakel ?? -- ed) that might per adventure find their way to some particular court, or declare that the writ should only issue to this or that class of cases, to the exclusion of others in which it might have issued ***at common law***, it would be difficult to escape the conclusion ***that the ancient and venerated privilege to the writ of habeas corpus had not been in some degree suspended, if not annulled***"
>
> ***In Re McDonald 16 Fed. Cases 17***

And this situation would apply, and for the same reason, in concert with being an application to the pendente jurisdiction of this Court, should this Petition be treated as one of removal from a subordinate federal tribunal to an ***Article III***

district Court, thus Petitioner does ***NOT*** cite, and will not invoke, the "orthodox" removal statute, 28 USC 1441.

Jurisdiction of Federal District Court

Here is a question which cannot be addressed without first knowing where exactly it is that a ***purported Article III*** Court really sits, and who has the authority to make this determination.

IF the district Court is in a ***State judicial district***, then certain questions of comity and federalism would ***appear*** to arise (see e.g. ***Ex Parte Young 209 US 123; Younger v Harris 401 US 37***). Not so, however.

A far more ***cogent and compelling*** question is: why does a State Court ***refuse*** to exercise the ***concurrent*** jurisdiction of a federal ***Circuit Court***, and/or fail to take notice, let alone apply, ***any*** provisions of the ***CuS***, most particularly, but ***NOT*** limited to, ***Article I, Section 10*** and ***Article VI, Sections 2,3 & 4*** ???

In addition, the question arises as to why, in a ***judicial*** district of a State admitted into "***this Union***" (***Article IV, Section 3***) and with the members of the sovereign body politic of the Nation & Republic recognized, by operation of law, as are their ***Creator endowed inalienable*** rights, that ***any and all*** such members ***CANNOT*** even gain entry into a federal building, let alone a federal court, for an apparent lack of any ***ID*** issued by one or another department of the ***de facto national socialist*** government.

Now ***ALL*** of this ***ID*** is ***voluntary***, beginning with the application for a Social (in)Security number (42 USC 302(a)(8) -- see also ***Exhibit D***, ***personal*** letter to William Henshall from then Commissioner of Social (in)Security Dorcas Hardy conceding the same).

And on continued advice of counsel, the application for Social (in)Security benefits in particular, let alone the host of other ***ID*** for which this 'mark of the beast' is ***REQUIRED*** (Driver's license, Marriage license, Professional license, etc.) has ***undisclosed*** consequences to applicants, which include:

1. That the applicant "volunteers" into becoming a "taxpayer" (26 USC 6109) and thus subject to the ***unlimited*** power of the (***de facto national socialist***) government to be taxed ***OUT*** (?!?- ed) of existence[5];

2. That the applicant, for all apparent intents and purposes, "stipulates" to being a "United States citizen" as that term is defined in Section 1 of the 14th ***war*** "amendment" and thus "owes such citizenship" to what very arguably is the ***NON***-existent 14th ***war*** "amendment";

3. That the applicant is thus "voluntarily" stripped of his status as a lawful de jure ***jus sanguinis*** State Citizen;

4. That the applicant has also "stipulated" to be bound by ***ALL*** provisions of ***NEFWA***, including Section ***4***, which provides, in ***relevant*** part, that:

> "The validity of the public debt of the United States … authorized by law, shall ***NOT*** be questioned"

5. That this "stipulation" finds its statutory 'soul mate' in 26 USC 6305(b), which provides, in relevant part that:

> "***NO*** court of the united States, whether created under ***Article I*** or ***Article III***, shall have jurisdiction to review or restrain the assessment or ***collection*** of taxes by the Secretary …"

6. That the Applicant has also "stipulated" to be bound by ***ALL*** provisions of the 14th ***war*** "amendment", including Section ***5***, which provides a ***seemingly unlimited*** grant of power, that:

> "Congress shall have the power to enforce, by ***appropriate*** (?!? -- ed) legislation, the provisions of this article'"

7. That these "voluntary" acts of an unwary and ***uninformed*** applicant have the effect, albeit ***sub silentio***, of divesting the applicant of any and ***ALL*** status and standing to invoke the ***judicial*** power of the united States and/or of one of the Several States admitted into "***this Union***", up to, and including, the supreme Court of the united States, when otherwise there would be a ***right*** to be heard in the supreme Court (see e.g. ***Cohens v Virginia 6 Wheat. 264***);

8. That not only will any and ***ALL*** attempts by an "applicant for benefits"/"taxpayer" be summarily dismissed, usually for an alleged "failure to state a claim", a hapless "taxpayer" might well find himself attainted by heavy fines for bringing a "frivolous" action;

9. That the supreme Court will indulge, dispassionately and insidiously in the use of its self-promulgated "***Ashwander Doctrine***" for status & standing (***Ashwander v TVA 297 US 288,341***, Brandeis et al JJ, concurring), and often ***sub silentio***, to avoid the duty assigned by the American People, heeding its own ruling in ***Marbury v Madison***, to ***say what the law is***;

10. That in this regard, the Court has several available "options" to get the job done, often -- pursuant to Mr. Henshall, by invoking 'Rule ***4***' of "***Ashwander***", which provides that:

> "The Court will ***NOT*** address a question of constitutional law, though ***properly*** (!) presented by the record, if there is also present "some other ground" (application for Social (in)Security benefits ??) upon which the case may be disposed of." (and 'disposing' of Citizens, and their Creator endowed inalienable rights, is exactly what the current ***de facto national socialist*** government does, coldly and calculatingly, at each & every opportunity)

(worthy of notice here is that Counsel advises that in his decades of intense, passionate and ***independent*** research of the Constitution, history and laws of the united States that not a ***single*** case addressing these issues has ever been located, at least in the supreme Court, which strongly suggests that this is a novel question of law).

IF the district Court is sitting in a federal (***insular*** ?) territorial possession, the situation is even more interesting, and this is ***exactly*** the situation set forth in Petitioner's accompanying ***Supplementary Brief on Admission of New States*** (***SBANS***), contentions which counsel advises have ***NEVER*** even been ***attempted*** to be refuted by government prosecutors, or any other parties to whom such issues have been addressed, having the ***sworn DUTY*** to do so (see e.g. ***Berger v US 295 US 78***), in the many cases in which they have been ***squarely*** presented (see ***Exhibit C***, Affidavit of ***PAG*** William Henshall in re cases presented)

And if the court ***IS*** sitting in a territory, a matter now beyond dispute given the above facts, and in concert with the concession of the CALIFORNIA supreme court in the ***administrative*** 'denial' of the Petition for Writ of ***NON***-statutory federal Habeas Corpus of William Henshall by the ***clerk*** (!) of the court (***Exhibit***

B), with the Petition being both ***UNFILED*** and ***UNOPPOSED***, and with the notation, by the ***clerk***, that:

> "…the questions presented in the writ are ***beyond the jurisdiction of the California courts as they appear to raise federal questions***."

The glaringly obvious question is how ***ANY*** of the States admitted into "***this Union***" (up to and including the admission of Oregon in 1859 -- after this date, "***this*** Union" no longer existed for the purpose of admission of New States[6]) -- could have been relegated, and on who knows what authority, to a condition of a ***federal (insular ?) territorial possession*** of the United States, if not 'courtesy' of ***NEFWA*** !

Unlawful Restraints upon Petitioner's Liberty

This section is expansive, encompassing intimately interconnected violations of ***at least ALL 6 Articles of the Constitution for the united States {1787-1791}***, such that frequent reliance will be made on the several Supplementary Briefs in support of this Petition.

In addition, the following analysis will proceed on the basis that CALIFORNIA ***IS*** a ***federal (insular ?) territorial possession***, while noting that many of the constitutional violations set forth would be equally cognizable in one of the Several States, if there were any left in existence.

That Respondents are artificial, corporate entities all, which, as 'creatures of the state' (***Hale v Henkel 201 US 43,74***) ***DO*** "owe their citizenship" to Section 1 of the 14th ***war*** "amendment", assuming arguendo that it exists, and for which the

'creation' of such corporate "citizenship" was the ***central***, albeit ***covert***, objective of such "amendment"[7];

Accordingly, Respondents are, and must be held to be, 'state actors' for the purposes of the correct[8] analysis of the Constitutional issues which follow, noting, in addition, that the interests such corporate entities, such as they are, being "represented" by yet other 'state actors', licensed members of the CALIFORNIA 'state' Bar Association.

In addition, these 'state' agents are, or will be, "practicing law" and representing the interests of artificial corporate "persons" before other 'state' agents, "persons" purporting to be judges in a State Court of common law general jurisdiction, when in fact they sit in a ***territorial tribunal NOT*** clothed with, or being capable of being assigned, the ***judicial*** power of one of the Several States and/or the united States, (see ***SBANS***).

All of these 'state' Bar Association agents and actors ***clearly*** and ***unambiguously*** belong to an agency of the de facto territorial government; as such, they are ***required***, pursuant to the 'Appointments Clause' (***Article II, Section 2***) to be appointed by the President or, in the alternative, be appointed by a territorial governor appointed by the President (obviously 'Moonbeam' Brown does ***NOT*** qualify here, in either capacity).

Not only do all these actors have ***irreconcilable conflicts*** with the rights and interests of lawful, de jure, jus sanguinis State Citizens, ***THEY*** are the ones guilty of 'practicing law without a license', and likely more !

That said, if Respondents are ***NOT*** restrained from their planned course of action, the rights of Petitioner ***will*** be violated in ***ALL*** of the following ways, to wit (***NOT*** (!) a complete list):

1. Loss of the right of ***unlimited*** power to contract secured by ***at least Article I, Section 10*** of, and the ***9th Article of Amendment*** to, the ***CuS***;

2. Loss of the right of ***unlimited*** power to contract, as hereinabove set forth, and the rights to invoke the ***judicial*** power of a State and/or the right to trial by jury, by being ***compelled into to submission into a contract of adhesion*** over which Petitioner had and has ***NO*** control, with which Petitioner was ***NOT*** represented by counsel, nor having any ***known*** right to such assistance, at the time of "entry" into such agreement, with Respondents having an army of 'state' Bar licensed counsel at their beck and call, and which Respondents could change any or ***ALL*** terms of such purported agreement at any time and with little, ***if ANY***, notice to Petitioner and ***NO opportunity to be heard prior*** to any such changes being filed[9];

3. Loss of the right of ***unlimited*** power to contract, as hereinabove set forth, and the rights to invoke the judicial power of a State and/or the right to trial by jury, by being ***compelled into to submission into a contract of adhesion***, 'courtesy' of statutory schemes such as Sections 14600 et seq. of the CALIFORNIA Vehicle Code and/or Sections 40508 et seq. of the CALIFORNIA Vehicle Code, pretended laws which violate the ***CuS*** and/or the ***California Constitution (1849)*** and/or the ***Northwest Ordinance of 1787***, in ***at least*** the following ways:

a. With the United States having been in a ***perpetual*** state of one or another pretended "emergency" for ***150*** years, as set forth in the ***SBANS*** brief, the invocation of ***at least*** the undefined, and ***apparently unlimited***, ***martial law power*** of Congress, in order to "redefine", as it were, the laws of Citizenship and sovereignty by mere statutory enactments such as the ***Civil Rights ("rights") Act of 1866, 14 Statutes at Large 27*** and the ***Reconstruction Act of 1867, 15 Statutes at Large 428, Chapter CLIII***, ***BOTH*** vetoed by President Andrew Johnson, and ***WITHOUT*** the necessary quorum in either House of Congress to enact, let alone override a veto of, any such acts, with the "States then lately in Rebellion" having been unlawfully denied ***ALL*** of their seats in 38th and 39th Congresses in plain violation of ***at least Article I, Sec. 5, Para. 1*** of the ***Constitution of the united States {1787-1791}***; see ***Supplementary Brief on Qualifications of Legislators***;

b. With any and all such acts, including those listed above, and very arguably including, among others, the ***Federal Reserve Act of 1913, 38 Statutes at Large 251*** et seq., the ***Social (in)Security Act of 1935, 49 Statutes 620*** et seq., and the ***PATRIOT Act of 2001, 115 Statutes at Large 272*** et seq., all of which have, for all ***apparent*** intents and purposes, suspended even the ***NON***-statutory Writ of Habeas Corpus and ***CLOSED*** the judicial Courts, assuming arguendo that there are any such Courts in existence, yet having been enacted in times of peace, with ***NO known*** declared state of war, rebellion or invasion which ***might*** justify even a ***temporary*** suspension of any of these rights, and others as well;

4. Falsely perceived to be subject to any suit or process in violation of Title 1, Section 2(b) and/or Title I, Section 7 (b) of the ***International Organizations Immunity Act 59 Statutes at Large 669*** et seq.; in addition, 11th Amendment immunity from suit, as a member of a foreign nation, may also be available, in both instances by operation of law[10] in direct pursuance of the unlawful acts of the 39th Congress resulting in the ***forced statelessness*** and/or disenfranchisement of the members of the sovereign body politic of the Nation & Republic (lawful de jure free white State Citizens) 'courtesy' of such acts of usurpation as the Civil Rights Act of 1866, supra, Reconstruction Act of 1867, supra and the proposal and "ratification" of the 14th & 15th ***war*** "amendments", in equally plain violation of ***Article V*** of the ***CuS***; (see ***3 (a&b)*** above)

5. Falsely being "found", in plain violation of the right to trial by jury[11], to be a "United States citizen", one who "owes such citizenship" to Section ***1*** of the ***NON***-existent 14th ***war*** "amendment", who is allegedly bound any and all other provisions of the 14th ***war*** "amendment", most particularly Section ***4*** thereof, and who has, albeit 'courtesy' of an insidious ***fiction*** of law, made a "***voluntary, knowing*** and ***intelligent***"[12] "waiver" or "renunciation" of lawful de jure State Citizenship and thus membership in the sovereign body politic of the Nation & Republic; (see ***3 (a&b)*** above; ***SBANS***);

6. Falsely subjected to a continual, and ***perpetual***, state of one or another pretended "emergency" with ***all Creator endowed inalienable rights*** and/or rights secured by the ***Constitution of the united States {1787-1791}*** in an equally ***perpetual*** state of abeyance, if not outright 'repealed' by the usurpers controlling all organs of the ***de facto national socialist*** government

by ***fiction*** of law, and the concomitant, corrupt use ***federal regional martial law rule jurisdiction***; (see ***3 (a&b)*** above; ***SBANS***);

7. Such states of pretended emergencies were rarely, if ever, based on any real threat of invasion of American soil, or any other interests which ***might*** justify a declared state of war by Congress[13], even assuming arguendo that it consisted of any members with the qualifications to hold office, and/or a President duly elected who could lawfully execute any powers of office, let alone the war powers of the Commander-in-Chief; these include (***not*** a complete list !):

   a. the Mexican War of 1846, with the Mexicans goaded to "unlawfully" cross the Rio Grande into Texas, thus "commencing" hostilities against the united States; @@

   b. the War between the States, with the Confederates duped in much the same manner to open fire on Fort Sumter, albeit as a ***defensive*** manner, as set forth in "***Team of Rivals***" by Doris Kearns Goodwin;

   c. the Spanish-American War, when the ostensible cause of the war was the sinking of the Battleship Maine, which history later records -- and which was likely known to the McKinley administration, to have ***imploded***, thus not only not having been sunk by the Spanish, but ***deliberately*** scuttled to set up a "war" in which America, or at least those in control of the reins at 120 Broadway, New York, NY, made the initial venture into imperialism, 'courtesy' of the acquisition of ***insular*** territories such as Cuba, Puerto Rico, Guam and the

Philippines -- the real, albeit ***carefully concealed***, motive for this "war";

d. World War I, with a strikingly similar background to the American entry into a war very unpopular with the American people, this 'courtesy' of the sinking of the "cruise ship" Lusitania by the Germans, which was a fully justified sinking of a ***warship***, in concert with the unnecessary (***planned*** ??) loss of American lives;

e. World War II, when American involvement was based on the "surprise" Japanese attack on Pearl Harbor, which the FDR administration ***knew*** was coming[14], having broken the Japanese military code, yet took ***NO*** action to prevent, yet another needless, serpentine sacrifice of American lives to further enhance the agenda of the corporate NY Bankster interests, conveniently and safely hidden 'behind the curtains';

f. the Korean "war" /aka/ "UN Peacekeeping effort", with a massive loss of American lives in a 'war' ***NEVER*** declared by Congress, this in response to the "threat" posed by the communist government of China which, then and now, posed ***NO*** military threat to at least the ***continental*** united States;

g. the "Cold War"; while no active state of War was declared, the massive buildup of the American military-industrial complex, in response to the "threat" of the Red Army of the Soviet Union, was like a mirage in the desert when one considers that it was ***direct*** support of

the Wall Street Banksters which funded the "October Revolution" in the first place (see e.g. "***Wall Street and the Bolshevik Revolution***" by Antony C. Sutton), and history has shown, ***clearly*** and ***unambiguously***, that "the borrower is ***servant*** to the lender", a situation which should also been taken into account during the "Cuban Missile Crisis"

h. the Gulf of Tonkin incident, including the attack on the American ***warship*** Maddox; though it was ***immediately*** apparent, at least in certain government circles, ***that no such attack had ever taken place***, this was the 'leverage' used to get an already servile LBJ to "commit troops" to the liberation of Vietnam, an action which had, very arguably, been planned 20 years prior (see e.g. "***JFK***" by L. Fletcher Prouty), and the ***actuarially planned*** loss of over 50,000 American lives in yet another "UN Peacekeeping Effort";

So it is that the (war) beat goes on, with the sole objective of keeping the Wall Street Banksters, and their toadies in 'state' ***BAR ASS***ociations, in full and complete control of the Nation & Republic at any and all costs.

Relief Requested

1. That ***Case No. 22-UDL-00118*** be removed to this ***Article III*** judicial Federal Circuit Court and/or that a ***NON***-statutory Writ of Habeas Corpus issue, in either case with the following relief:

a. that any and all charges against Petitioner be dismissed ***forthwith with prejudice*** to the cause pursuant to the multiple frauds committed on Petitioner, multiple violations of Petitioner's ***Creator endowed inalienable rights*** secured by the ***Constitution of the united States {1787-1791}*** and/or with Respondent ordered to show cause why such relief should not issue forthwith; and, ultimately:

1. The failure to state a claim upon which relief might be granted by Respondent(s), and each of them;

2. The lack of status of Respondents, and each of them, to invoke the ***judicial*** power of the united States and/or the State of California, thus ***NOT*** being a real party in interest as required by the common law and/or, insofar as it ***may*** be applicable, Rule 17 of the FRCP;

3. The immediate restoration of Petitioner's property in the form of his conveyance, 'conveniently' misconstrued as a "vehicle", with title to the conveyance clearly recognized to Petitioner's property, forcibly and unlawfully stolen from Petitioner by Respondents, and each of them, in pursuance of the ***false & fraudulent*** process issuing, or threatened to be issued by a trial "court" pretending to be a State Court of common law general jurisdiction while in fact sitting as a federal territorial tribunal; @@

Jurat

I, Linda Rovai, and PAG Henshall, declare, under penalty of perjury, that all facts stated herein are true of my own personal knowledge, except those matters stated upon information and belief, and that this document was executed in San Jose, California on the 3rd day of July, 2022.

Linda Rovai/Petitioner

William Henshall/Private Attorney General
Section 35, Judiciary Act of 1789

©WH@281676

Footnotes

1 -- see e.g. ***Cary v Curtis 3 How. 235*** and ***Sheldon v Sill 8 How. 441***, albeit with a view far more consistent with the ***original intent*** of the Framers expressed in Justice Story's majority opinion in ***Martin v Hunters Lessee 1 Wheat. 304*** and his cogent and compelling dissent in ***Cary***, supra;

2 -- see e.g. ***Hayburn's Case 2 Dallas 409***;

3 -- stands to reason, ***quod erat demonstrandum,*** that those engaging in a ***military usurpation of the Constitution of the united States {1787-1791},*** which resulted in the ***disenfranchisement of the sovereign body politic of the Nation & Republic,*** cannot make any claim whatsoever as to being in possession of the ***"consent of the governed"*** of those with ***NO VOICE*** in such government, and/or claiming to be a government of ***defined & limited***

powers based on the rule of law – see also Section 3516 of the Civil Code, a maxim of law which provides that:

"***No man may benefit from his own error***."

4 -- ***Ex Parte Milligan 4 Wall. 2, Ex Parte Merryman 17 Fed. Cases 144; Duncan v Kahanamoku 327 US 304***);

5 -- see e.g. ***McCulloch v Maryland 4 Wheat. 316; Enochs v Williams 370 US 1***), ***Miller v. Standard Nut Margarine Co. 284 US 498***;

6 -- early on this was true pursuant to the lawful secession of the Southern States, as set forth in the opinion of Attorney General Jeremiah S. Black, a leading authority on constitutional law, to President Buchanan, on the Secession of States, ***9 Opinions of the Attorney General 152*** (duly noting that no such question as to the right to secede arose when considered by ***Massachusetts*** in 1815), and thereafter by the engaging in hostilities leading to the War Between the States, notwithstanding who really precipitated the conflict -- and evidence exists on both sides of this question, see e.g. ***Team of Rivals*** ppg. 340 et seq. by noted historian Doris Kearns Goodwin;

7 -- see e.g. ***SBANS***; ***Santa Clara County v SPRR 118 US 394***; and the dissent of Justice Hugo L. Black in ***Connecticut Insurance v Johnson 303 US 77***, incorporated by reference as though fully set forth herein).

8 - to be sure, there is no shortage of 'judicial' decisions appearing to support a different view, with the case of ***American Manufacturers Mutual Insurance v. Sullivan 526 US 40*** being a typical exemplar of the 'judicial' BS emanating even from the supreme Court of the united States in cases arising from the 14th ***war*** "amendment". This is, however, ***NOT*** what we have here at all, what with any and all terms of the ***NON***-existent 14th ***war*** "amendment" being ***specifically*** eschewed and with Petitioner being a lawful de jure free white State Citizen invoking ***Creator endowed inalienable rights***; accordingly ***ALL*** such decisions are easily distinguishable from the instant case, as per 'Rule ***3***' of ***Ashwander***, supra:

> "The Court will not formulate a rule of Constitutional law broader than is required by the ***precise facts to which it is to be applied***."

9 -- and even the favorite, dependent, class of "citizens" /aka/ welfare recipients has the "right" to a 'substantive' albeit administrative, hearing ***prior*** to the deprivation of such benefits (~~***Goldbrick***~~ ***Goldberg v Kelly 397 US 254***);

10 -- if this immunity does ***NOT*** exist, what possible protection, except the Great Writ, do lawful de jure State Citizens, or aliens, as the case may be, have from the ***unfettered*** exercise of ***martial law rule*** jurisdiction by the very usurpers being challenged ??

11 -- most particularly true pursuant to the issue of status & standing being determined by a ***JURY***; while a question ***NOT*** seeming to have been ***directly*** addressed by the supreme Court of the united States, the determination of Citizenship by a jury did receive the ***explicit*** acknowledgment and approval of the Court in the case of ***Keene v McDonough 8 Peters 308***; this is, in addition, in precise conformance with the government's burden of proof, in ***at least*** a criminal case, to prove ***ALL*** the elements of a crime beyond a reasonable doubt -- is the Accused, for example, a "person" ? "employee" ? "taxpayer" ? (***In Re Winship 397 US 358, Morrisette v US 342 US 246, Bass v US 784 Fed. 2nd 1282***); one shudders to think what the magnitude of deceit and tyranny in government would exist were this otherwise;

12 -- this is ***THE*** reference standard of the supreme Court of the united States for finding a ***valid*** waiver of rights -- see e.g. ***Johnson v Zerbst 304 US 458***;

13 -- hmm -- would a valid declaration of war against North Korea have any more staying power than ***30 minutes*** ??

14 -- indeed the efforts of Colonel Billy Mitchell of the then Army-Air Corps, going back over the ***previous decade***, to make the powers that be aware of the coming attack, which as he knew was the project for graduating classes of the Japanese military, were totally rebuffed by his superiors and, indeed, he was subjected to a court martial for his heroic & patriotic efforts;